

115TH CONGRESS  
1ST SESSION

# H. R. 3342

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IN THE SENATE OF THE UNITED STATES

OCTOBER 26, 2017

Received; read twice and referred to the Committee on Foreign Relations

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## AN ACT

To impose sanctions on foreign persons that are responsible for gross violations of internationally recognized human rights by reason of the use by Hizballah of civilians as human shields, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Sanctioning  
3 Hizballah’s Illicit Use of Civilians as Defenseless Shields  
4 Act”.

5 **SEC. 2. FINDINGS.**

6 Congress finds the following:

7 (1) Human shields are civilians, prisoners of  
8 war, and other noncombatants whose presence is de-  
9 signed to protect combatants and military objects  
10 from attack, and the use of human shields violates  
11 international law.

12 (2) Throughout the 2006 conflict with the State  
13 of Israel, Hizballah forces utilized human shields to  
14 protect themselves from counterattacks by Israeli  
15 forces, including storing weapons inside civilian  
16 homes and firing rockets from inside populated civil-  
17 ian areas.

18 (3) Hizballah has rearmed to include an arsenal  
19 of over 150,000 missiles, and other destabilizing  
20 weapons provided by the Syrian and Iranian govern-  
21 ments, which are concealed in Shiite villages in  
22 southern Lebanon, often beneath civilian infrastruc-  
23 ture.

24 (4) Hizballah is legally required to disarm  
25 under both United Nations Security Council Resolu-  
26 tion 1701 (2006) and the Taif Agreement (1989).

## **7 SEC. 3. STATEMENT OF POLICY.**

8 It shall be the policy of the United States to consider  
9 the use of human shields by Hizballah as a gross violation  
10 of internationally recognized human rights, to officially  
11 and publicly condemn the use of innocent civilians as  
12 human shields by Hizballah, and to take effective action  
13 against those that engage in the grave breach of inter-  
14 national law through the use of human shields.

## **15 SEC. 4. UNITED NATIONS SECURITY COUNCIL.**

16 The President should direct the United States Per-  
17 manent Representative to the United Nations to use the  
18 voice, vote, and influence of the United States at the  
19 United Nations Security Council to secure support for a  
20 resolution that would impose multilateral sanctions  
21 against Hizballah for its use of civilians as human shields.

1   **SEC. 5. IDENTIFICATION OF FOREIGN PERSONS THAT ARE**  
2                 **RESPONSIBLE FOR GROSS VIOLATIONS OF**  
3                 **INTERNATIONALLY RECOGNIZED HUMAN**  
4                 **RIGHTS BY REASON OF USE BY HIZBALLAH**  
5                 **OF CIVILIANS AS HUMAN SHIELDS.**

6                 (a) IN GENERAL.—The President shall impose sanc-  
7                 tions described in subsection (c) with respect to each per-  
8                 son on the list required under subsection (b).

9                 (b) LIST.—

10                 (1) IN GENERAL.—Not later than 120 days  
11                 after the date of the enactment of this Act, the  
12                 President shall transmit to the appropriate congres-  
13                 sional committees a list of the following:

14                 (A) Each foreign person that the President  
15                 determines, based on credible evidence, is a  
16                 member of Hizballah, or acting on behalf of  
17                 Hizballah, that is responsible for or complicit  
18                 in, or responsible for ordering, controlling, or  
19                 otherwise directing, the use of civilians as  
20                 human shields.

21                 (B) Each foreign person, or agency or in-  
22                 strumentality of a foreign state, that the Presi-  
23                 dent determines has provided, attempted to pro-  
24                 vide, or significantly facilitated the provision of,  
25                 material support to a person described in sub-  
26                 paragraph (A).

1                             (2) UPDATES.—The President shall transmit to  
2                             the appropriate congressional committees an update  
3                             of the list required under paragraph (1) as new in-  
4                             formation becomes available.

5                             (c) SANCTIONS DESCRIBED.—The sanctions to be  
6                             imposed on a foreign person or an agency or instrumen-  
7                             tality of a foreign state on the list required under sub-  
8                             section (b) are the following:

9                             (1) BLOCKING OF PROPERTY.—The President  
10                             shall exercise all of the powers granted to the Presi-  
11                             dent under the International Emergency Economic  
12                             Powers Act (50 U.S.C. 1701 et seq.) to the extent  
13                             necessary to block and prohibit all transactions in  
14                             property and interests in property of the foreign per-  
15                             son or of such agency or instrumentality of a foreign  
16                             state if such property or interests in property are in  
17                             the United States, come within the United States, or  
18                             are or come within the possession or control of a  
19                             United States person.

20                             (2) ALIENS INELIGIBLE FOR VISAS, ADMISSION,  
21                             OR PAROLE.—

22                             (A) VISAS, ADMISSION, OR PAROLE.—An  
23                             alien who the Secretary of State or the Sec-  
24                             retary of Homeland Security determines is a

1           foreign person on the list required under sub-  
2           section (b) is—

- 3                         (i) inadmissible to the United States;  
4                         (ii) ineligible to receive a visa or other  
5                         documentation to enter the United States;  
6                         and  
7                         (iii) otherwise ineligible to be admitted  
8                         or paroled into the United States or to re-  
9                         ceive any other benefit under the Immigra-  
10                  tion and Nationality Act (8 U.S.C. 1101 et  
11                  seq.).

12                  (B) CURRENT VISAS REVOKED.—

13                         (i) IN GENERAL.—Any visa or other  
14                         documentation issued to an alien who is a  
15                         foreign person on the list required under  
16                         subsection (b), regardless of when such  
17                         visa or other documentation was issued,  
18                         shall be revoked and such alien shall be de-  
19                          nied admission to the United States.

20                         (ii) EFFECT OF REVOCATION.—A rev-  
21                         ocation under clause (i)—

- 22                                 (I) shall take effect immediately;  
23                         and  
24                                 (II) shall automatically cancel  
25                         any other valid visa or documentation

1                   that is in the possession of the alien  
2                   who is the subject of such revocation.

3                   (3) PENALTIES.—The penalties provided for in  
4                   subsections (b) and (c) of section 206 of the Inter-  
5                   national Emergency Economic Powers Act (50  
6                   U.S.C. 1705) shall apply to a person that knowingly  
7                   violates, attempts to violate, conspires to violate, or  
8                   causes a violation of regulations promulgated to  
9                   carry out this section to the same extent that such  
10                  penalties apply to a person that knowingly commits  
11                  an unlawful act described in section 206(a) of such  
12                  Act.

13                  (4) REGULATORY AUTHORITY.—

14                  (A) IN GENERAL.—The President may ex-  
15                  ercise all authorities provided to the President  
16                  under sections 203 and 205 of the International  
17                  Emergency Economic Powers Act (50 U.S.C.  
18                  1702 and 1704) for purposes of carrying out  
19                  this section.

20                  (B) ISSUANCE OF REGULATIONS.—Not  
21                  later than 180 days after the date of the enact-  
22                  ment of this Act, the President shall, promul-  
23                  gate regulations as necessary for the implemen-  
24                  tation of this section and the amendments made  
25                  by this section.

8                         (5) RULE OF CONSTRUCTION.—Nothing in this  
9 section may be construed to limit the authority of  
10 the President pursuant to the International Emer-  
11 gency Economic Powers Act (50 U.S.C. 1701 et  
12 seq.) or any other relevant provision of law.

13       (d) WAIVER.—The President may waive the applica-  
14      tion of sanctions under this section for periods not to ex-  
15      ceed 120 days with respect to a foreign person, or an agen-  
16      cy or instrumentality of a foreign state, if the President  
17      reports to the appropriate congressional committees that  
18      such waiver is vital to the national security interests of  
19      the United States.

20       (e) EXEMPTIONS.—Any activity subject to the report-  
21 ing requirements under title V of the National Security  
22 Act of 1947 (50 U.S.C. 3091 et seq.), or to any authorized  
23 intelligence activities of the United States.

1   **SEC. 6. REPORT.**

2       (a) REPORT.—Not later than 180 days after the date  
3   of the enactment of this Act, the President shall submit  
4   to the appropriate congressional committees a report con-  
5   taining a determination on whether each person described  
6   in subsection (b) meets the criteria described in subpara-  
7   graph (A) or (B) of section 5(b)(1).

8       (b) PERSONS DESCRIBED.—The persons described in  
9   this subsection are the following:

10           (1) The Secretary General of Hizballah.  
11           (2) Members of the Hizballah Politburo.  
12           (3) Any other senior members of Hizballah or  
13   other associated entities that the President deter-  
14   mines to be appropriate.

15           (4) Any person, or agency or instrumentality of  
16   a foreign state that the President determines pro-  
17   vides material support to Hizballah that supports its  
18   use of civilians as human shields.

19       (c) FORM OF REPORT; PUBLIC AVAILABILITY.—

20           (1) FORM.—The report required under sub-  
21   section (a) shall be submitted in unclassified form,  
22   but may contain a classified annex.

23           (2) PUBLIC AVAILABILITY.—The unclassified  
24   portion of such report shall be made available to the  
25   public and posted on the internet website of the De-  
26   partment of State—

1 (A) in English, Farsi, Arabic, and Azeri;

2 and

(B) in pre-compressed, easily downloadable versions that are made available in all appropriate formats.

## 6 SEC. 7. DEFINITIONS.

## 7 In this Act:

8                             (1) ADMITTED; ALIEN.—The terms “admitted”  
9                             and “alien” have the meanings given such terms in  
10                            section 101 of the Immigration and Nationality Act  
11                            (8 U.S.C. 1101).

(B) the Committee on Banking, Housing,  
and Urban Affairs, the Committee on Foreign

1           Relations, the Committee on Finance, the Com-  
2           mittee on the Judiciary, and the Committee on  
3           Appropriations of the Senate.

4           (4) FOREIGN PERSON.—The term “foreign per-  
5           son” means any citizen or national of a foreign  
6           country, or any entity not organized solely under the  
7           laws of the United States or existing solely in the  
8           United States.

9           (5) FOREIGN STATE.—The term “foreign state”  
10          has the meaning given such term in section 1603(a)  
11          of title 28, United States Code.

12          (6) UNITED STATES PERSON.—The term  
13          “United States person” means any United States  
14          citizen, permanent resident alien, entity organized  
15          under the laws of the United States (including for-  
16          eign branches), or any person in the United States.

17          (7) HIZBALLAH.—The term “Hizballah”  
18          means—

19               (A) the entity known as Hizballah and des-  
20               ignated by the Secretary of State as a foreign  
21               terrorist organization pursuant to section 219  
22               of the Immigration and Nationality Act (8  
23               U.S.C. 1189); or

24               (B) any person—

Passed the House of Representatives October 25,  
2017.

Attest: KAREN L. HAAS,  
*Clerk.*